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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/685,697

10/09/2000

Jeffrey J. Clawson

23517/4.7

3948

32642 7590 04/10/2007

STOEL RIVES LLP - SLC  
201 SOUTH MAIN STREET  
ONE UTAH CENTER  
SALT LAKE CITY, UT 84111

EXAMINER

ADDY, THJUAN KNOWLIN

ART UNIT

PAPER NUMBER

2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/685,697	CLAWSON, JEFFREY J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thjuan K. Addy	2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on December 26, 2006 has been entered. Claim 1 has been amended. No claims have been cancelled. No claims have been added. Claims 1-11 are still pending in this application, with claim 1 being independent.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 4,237,344), in view of Chambers (US 5,086,391), and further in view of Brown (US 6,968,375).

3. In regards to claims 1, 9, 10, and 11, Moore discloses a method for managing the exit process of an emergency medical dispatch system, for dispatching medical assistance to persons needing such medical assistance (See col. 2-3 lines 66-5), comprising the steps of: receiving a medical call on a telephone communication device regarding a patient needing medical assistance, said patient having a chief complaint (e.g., particular medical need); receiving a description of a problem giving rise to a call for medical assistance (See col. 10 lines 19-32); and assigning one of a plurality of pre-

established determinant levels based on the description of said problem, said description of said problem used in determination of said determinant level (For example, the health care provider (i.e., dispatcher) "upon receipt of the patient's signal (i.e., the description)...can accurately and precisely make an informed decision on the degree of medical response required", furthermore, the health care provider communicates his/her decision on the degree of medical response to the desired personnel) (See Moore col. 3 lines 59-66). Furthermore, the determination, such as determining if the caller is the patient, fall within the scope of standard medical diagnostic procedures and therefore, would have been obvious to one of ordinary skill in the art at the time the invention was made. Moreover, determining if said received call concerns trauma or an illness; and determining if said chief complaint concerns at least one of hemorrhaging, amputation, hazardous materials, a violent patient, an assailant, an animal, a present danger, and a burned patient, would have been equally obvious, due to the fact that they also fall within the scope of standard medical diagnostic procedures. However, Chambers does disclose assigning one of a plurality of pre-established determinant levels based on the description of said problem (e.g., injury), said description of said problem used in determination of said determinant level further comprising: determining if said received call concerns trauma or an illness; dispatching a medical response (e.g., instructions) based on said determinant level; and providing post dispatch instructions (for example, the post dispatch instructions, for a minor burn, may be, "immerse in clean ice water for ten minutes", "apply a clean, no-stick bandage", etc., or the instructions may be for performing CPR) to a caller, prior to the arrival of the

Art Unit: 2614

responders to prepare the patient for the responders and to expedite the field responders' work, based on said determinant level, thereby eliminating variability due to the different skills of the individual dispatchers (See col. 5 lines 20-44 and col. 5 lines 66-68). Although Chambers does not specifically disclose determining if said chief complaint concerns at least one of hemorrhaging, amputation, hazardous materials, a violent patient, an assailant, an animal, a present danger, and a burned patient, Chambers does disclose determining if said chief complaint concerns at least one of shock, bleeding, animal bites, heart attack, etc., therefore, it would have been obvious to include the above limitations as chief complaints. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the method, as a way of providing specific medical assistance to an injured or ill individual. In regards to the limitation, wherein said determinations are made using a systematic pre-scripted interrogation of callers, said systematic pre-scripted interrogation including a medium readable by a dispatcher and including a logical process having a plurality of preprogrammed inquiries and wherein said determinant level is determined based on responses to the preprogrammed inquiries, thereby eliminating variability due to the different skills of the individual dispatchers, the Examiner takes Office Notice that the limitation reads on well known procedures of pre-screening, through means of a questionnaire, for emergency need and dispatching. It is well known that standard questions, such as chest pain, hemorrhage, or concussions, are done in a methodological manner before determining which kind of help the patient will need. Moreover, Brown discloses the use of pre-scripted (e.g., script program 40,

Art Unit: 2614

See Fig. 2) questions that are readable by an individual (i.e., health care professional or service provider). The pre-scripted questions, are used by the individual to determine the appropriate service needed for the patient/user, based on the patient's/user's response to the questions (See Abstract and col. 15-16 lines 53-2). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the method, as a way of providing the calling party with the appropriate information based on his or her specific needs. Thus, ensuring proper care and information to the calling party.

4. In regards to claims 2, 3, and 7, Moore and Brown discloses all of claims 2, 3, and 7 limitations, except a method for managing the exit process of an emergency medical dispatch system, wherein said providing post dispatch instructions further comprises providing instructions based on a hemorrhaging patient, a patient suffering amputation, or a patient suffering from burns. Although Chambers does not specifically disclose determining if said chief complaint concerns at least one of hemorrhaging, amputation, or burns, Chambers does disclose determining if said chief complaint concerns at least one of shock, bleeding, animal bites, heart attack, etc., (See col. 5 lines 50-65) therefore, it would have been obvious to include the above limitations as chief complaints.

5. In regards to claims 4, 5, 6, and 8, Moore and Brown discloses all of claims 4, 5, 6, and 8 limitations, except the method for managing the exit process of an emergency medical dispatch system, wherein said providing post dispatch instructions further comprises providing instructions based on a hazardous material solution, a violent

Art Unit: 2614

patient situation, the presence of an assailant or dangerous animal, or a present danger situation. Although Chambers does not specifically disclose determining if said chief complaint concerns at least one of a hazardous material solution, a violent patient situation, the presence of an assailant or dangerous animal, or a present danger situation. Chambers does disclose determining if said chief complaint concerns at least one of shock, bleeding, animal bites, heart attack, etc., (See col. 5 lines 50-65) therefore, it would have been obvious to include the above limitations as chief complaints.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. David et al (US 5,544,649) teach ambulatory patient health monitoring techniques utilizing interactive visual communication. Feder et al (US 5,521,812) teach an emergency information apparatus and method.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

Art Unit: 2614

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thjuan K. Addy  
Patent Examiner  
AU 2614